

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
TODD ZARNOCK,

Plaintiff,

Plaintiff designates  
KINGS COUNTY  
as the place of trial.

-against-

SUMMONS  
The basis of the venue is  
Defendants' residence

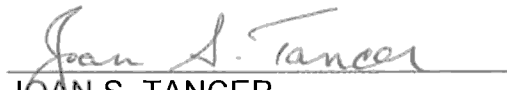
DIOCESE OF BROOKLYN a/k/a THE ROMAN  
CATHOLIC DIOCESE OF BROOKLYN, SAINT  
PATRICK CATHOLIC ACADEMY, and ALAN  
SHEEHAN,

Defendants.

-----X  
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
October 7, 2019

  
JOAN S. TANCER  
SEGAN, NEMEROV & SINGER, P.C.  
Attorneys for the Plaintiff  
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Tel. No: (212) 696-9100

TO:  
DIOCESE OF BROOKLYN a/k/a THE ROMAN  
CATHOLIC DIOCESE OF BROOKLYN  
310 Prospect Park West  
Brooklyn, NY 11215

SAINT PATRICK CATHOLIC ACADEMY  
401 97th Street  
Brooklyn, NY 11209

ALAN SHEEHAN  
332 96th Street, 1st Floor, Brooklyn, NY 11209-7839  
Brooklyn, NY 11209-7839

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS-----X  
TODD ZARNOCK,

Plaintiff,

COMPLAINT AND DEMAND  
FOR JURY TRIAL

-against-

DIOCESE OF BROOKLYN a/k/a THE ROMAN  
CATHOLIC DIOCESE OF BROOKLYN, SAINT  
PATRICK CATHOLIC ACADEMY, and ALAN  
SHEEHAN,Defendants.  
-----X

This is a revival action brought pursuant to the New York Child Victims Act, CPLR section 214-g. The plaintiff, when he was a minor, was sexually assaulted by ALAN SHEEHAN, a teacher/coach employed by SAINT PATRICK CATHOLIC ACADEMY.

In approximately the years of 1982 through 1985, ALAN SHEEHAN sexually abused Plaintiff as a child. When the abuse occurred, defendants were generally negligent, they negligently employed ALAN SHEEHAN and gave him access to children, including plaintiff. This lawsuit arises out of plaintiff's significant damages from that sexual abuse, described below. Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

PARTIES

## A. Plaintiff

1. At all times material to this complaint, including the year 1982-1985, plaintiff was a student at defendant SAINT PATRICK CATHOLIC ACADEMY in Brooklyn, New York.

2. At all times material, plaintiff was and still is a resident of the County of Kings, City and State of New York.

B. Defendants

2. Whenever reference is made to any defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

3. At all times material, defendant DIOCESE OF BROOKLYN A/K/A THE ROMAN CATHOLIC DIOCESE OF BROOKLYN, New York ("Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business.

4. At all times hereinafter mentioned, the Diocese was and still is conducting business in the State of New York with its principal place of business at 310 Prospect Park West, Brooklyn, NY 11215.

5. The Diocese was created in approximately 1853.

6. That the Diocese created a corporation called The Roman Catholic Diocese of Brooklyn, New York to conduct some of its affairs.

7. The Diocese operates its affairs as both a corporate entity and as the organization known as the Diocese of Brooklyn.

8. Both of the above entities and all other affiliated corporations and entities controlled by the Bishop are included in this Complaint as the "Diocese."

9. The Diocese functions as a business by engaging in numerous revenue

producing activities and soliciting money from its members in exchange for its services.

10. The Diocese has several programs that seek out the participation of children including, but not limited to, schools and other educational programs.

11. The Diocese, through its officials, has complete control over those activities and programs involving children.

12. The Diocese has the power to appoint, train, supervise, monitor, remove, and terminate each and every person working with children within the Diocese.

13. At all times material, defendant SAINT PATRICK CATHOLIC ACADEMY (St. Patrick") was and continues to be an organization authorized to conduct business and conducting business within the State of New York.

14. At all times hereinafter mentioned, the defendant "ST. PATRICK", with its principal place of business at 401 97<sup>th</sup> Street, Brooklyn, County of Kings, City and State of New York. St. Patrick includes, but is not limited to, the St. Patrick corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

15. At all times material, defendant St. Patrick was and continues to be under the direct authority, control, and province of defendant Diocese.

16. Defendant St. Patrick has its principal place of business at 9525 4<sup>th</sup> Avenue, Brooklyn, NY 11209.

17. St. Patrick was under the direct authority, control and province of the Diocese.

18. At all times material, St. Patrick and Diocese owned St. Patrick.

19. At all times material, St. Patrick and Diocese operated St. Patrick.

20. At all times material, St. Patrick and Diocese managed St. Patrick.

21. At all times material, St. Patrick and Diocese controlled St. Patrick.

22. At all times material, Defendant ALAN SHEEHAN was in the employ and control of Diocese and all defendants.

23. For purposes of this complaint, defendant Diocese and St. Patrick are referred to collectively as "Institutional Defendants."

#### JURISDICTION

24. This Court has jurisdiction pursuant to C.P.L.R. § 301 as Defendant's principal places of business are in Kings County and because the unlawful conduct complained of herein occurred in Kings County.

25. Defendant ALAN SHEEHAN is a resident of the County of Kings, City and State of New York.

26. Venue is proper pursuant to C.P.L.R. § 503 in that Kings County is the principal place of business of defendant Diocese. In addition, many of the events giving rise to this action occurred in Kings County.

#### FACTUAL ALLEGATIONS

##### A. Background

27. The hierarchy of the Roman Catholic Church and, by implication these Defendants are and have been aware of the serious problem of clergy sexual abuse of children since at least the 1800s.

28. Roman Catholic Church officials, including these Defendants have used their power and influence to prevent victims and their families from disclosing allegations of abuse.

29. Plaintiff's relationship to the Institutional Defendants and defendant ALAN SHEEHAN, as a vulnerable child and student, was one in which Plaintiff was subject to

the ongoing influence of the Institutional Defendants.

B. Specific Allegations

30. At all times material, defendant ALAN SHEEHAN was employed by the Diocese.

31. At all times hereinafter mentioned, ALAN SHEEHAN was employed by the St. Patrick.

32. At all times hereinafter mentioned, ALAN SHEEHAN remained under the direct supervision, employ, and control of Defendant.

33. At all times hereinafter mentioned, ST. PATRICK remained under the direct supervision, employ, and control of the Defendants.

34. The Institutional Defendants placed defendant ALAN SHEEHAN in positions where he had access to and worked with children as an integral part of his work.

35. Plaintiff was raised in a devout Roman Catholic family and plaintiff and plaintiff's family came in contact with defendant ALAN SHEEHAN as an agent and representative of defendant Diocese and St. Patrick.

36. Plaintiff, as a youth, was a student at St. Patrick and developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including the Institutional Defendants and their agents, including ALAN SHEEHAN.

37. During and through these activities, plaintiff, as a minor and vulnerable child, was dependent on the Institutional Defendants and ALAN SHEEHAN.

38. Defendants had custody of plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for plaintiff and authority over plaintiff.

39. During approximately 1982 to 1985, when Plaintiff was approximately 13 to 16 years old, defendant ALAN SHEEHAN engaged in unpermitted sexual contact with

plaintiff.

**FIRST CAUSE OF ACTION**  
**SEXUAL BATTERY AGAINST DEFENDANT ALAN SHEEHAN**

40. Plaintiff realleges paragraphs 1-36 above.

41. In and around 1982 to 1985, defendant ALAN SHEEHAN intentionally inflicted unpermitted, harmful and offensive bodily, sexual contact upon the person of Plaintiff.

42. Plaintiff did not consent to the harmful bodily contact.

43. As a direct and proximate result of the foregoing, plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

44. That this action is exempt from the operation of CPLR Article 1601 by reason of one or more exemptions provided. It is hereby alleged pursuant to CPLR Section 1603 that the foregoing cause of action is exempt from the operation of CPLR section 1601 by reason of one or more exemptions provided in CPLR section 1602, including, but not limited to CPLR section 1602(7) and/or CPLR section 1602(11).

45. As a result of the foregoing, plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SECOND CAUSE OF ACTION**  
**NEGLIGENCE AGAINST THE INSTITUTIONAL DEFENDANTS**

46. Plaintiff realleges paragraphs 1-45 above.

47. Each Institutional Defendant owed plaintiff a duty of reasonable care to protect the Plaintiff from injury.

48. Each Institutional Defendant owed plaintiff a duty of care because each

Institutional Defendant had a special relationship with Plaintiff.

49. Each Institutional Defendant also had a duty arising from the special relationship that existed with plaintiff, plaintiff's parents, and other parents of young, innocent, vulnerable children in the Diocese of Brooklyn to properly train and supervise its employees.

50. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Institutional Defendants had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

51. Each Institutional Defendants owed plaintiff a duty to protect plaintiff from harm because each Institutional Defendant also had a special relationship with ALAN SHEEHAN.

52. Each Institutional Defendant owed plaintiff a duty of reasonable care because they solicited youth and parents for participation in their youth programs; encouraged youth and parents to have the youth participate in their programs; undertook custody of minor children, including plaintiff; promoted their facilities and programs as being safe for children; held their agents, including ALAN SHEEHAN, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including defendant ALAN SHEEHAN to spend time with, interact with, and recruit children.

53. By accepting custody of the minor plaintiff, the Institutional Defendants established an in loco parentis relationship with plaintiff.



54. In accepting custody of the minor plaintiff, the Institutional Defendants owed plaintiff a duty to protect plaintiff from injury.

55. The Institutional Defendants entered into a fiduciary relationship with plaintiff by undertaking the custody, supervision of, and/or care of the minor plaintiff.

56. As a result of plaintiff being a minor, and by the Institutional Defendants undertaking the care and guidance of the plaintiff, the Institutional Defendants also held a position of power over plaintiff.

57. The Institutional Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted the position of empowerment.

58. The Institutional Defendants, through their its employees, exploited this power over plaintiff and, thereby, put the minor plaintiff at risk for sexual abuse.

59. By establishing and/or operating the Diocese and St. Patrick, accepting the minor plaintiff as a participant in their programs, holding their facilities and programs out to be a safe environment for plaintiff, accepting custody of the minor plaintiff in loco parentis, and by establishing a fiduciary relationship with plaintiff, the Institutional Defendants entered into an express and/or implied duty to properly supervise plaintiff and provide a reasonably safe environment for children, who participated in their programs.

60. The Institutional Defendants owed plaintiff a duty to properly supervise plaintiff to prevent harm from foreseeable dangers.

61. The Institutional Defendants had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have

exercised under similar circumstances.

62. By establishing and operating the Diocese and St. Patrick, which offered educational programs to children and by accepting the enrollment and participation of the minor plaintiff as a participant in those educational programs, the Institutional Defendants owed plaintiff a duty to properly supervise plaintiff to prevent harm from generally foreseeable dangers.

63. Each Institutional Defendants owed plaintiff a duty to protect plaintiff from harm because the Institutional Defendants invited plaintiff onto their property and Defendant ALAN SHEEHAN posed a dangerous condition thereupon.

64. Each Institutional Defendant breached its duties to plaintiff. The Institutional Defendants failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. The Institutional Defendants' breach of their duties include, but are not limited to: failure to protect plaintiff from a known danger; failure to have sufficient policies and procedures in place to prevent child sex abuse; failure to properly implement policies and procedures to prevent child sex abuse; failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working; failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation; failure to properly train the employees at institutions and programs within the Institutional Defendants' geographical confines; failure to train the minors within the Institutional Defendants' geographical confines about the dangers of sexual abuse by employees; failure to have any outside agency test their safety procedures; failure to protect the children in their programs from child

sex abuse; failure to adhere to the applicable standard of care for child safety; failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe; failure to train their employees properly to identify signs of child molestation by fellow employees; failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters; having knowledge of such ongoing abuse by Defendant SHEEHAN and in failing to remove him; and in covering up such behavior and actions and withholding such knowledge from the plaintiff and others similarly situated.

65. The Institutional Defendants also breached their duty to plaintiff by failing to warn plaintiff and plaintiff's family of the risk that defendant ALAN SHEEHAN posed and the risks of child sexual abuse in Catholic institutions even though said defendants knew or should have known of Defendant SHEEHAN's proclivities. They also failed to warn them about any of the knowledge that the Institutional Defendants had about child sexual abuse.

66. The Institutional Defendants additionally violated a legal duty by failing to report known and/or suspected abuse of children by defendant ALAN SHEEHAN and/or other agents to the police and law enforcement.

67. Prior to the sexual abuse of plaintiff, the Institutional Defendants learned or should have learned that Defendant ALAN SHEEHAN was not fit to work with children. The Institutional Defendant, by and through their agents, servants and/or employees, became aware, or should have become aware of Defendant ALAN SHEEHAN'S propensity to commit sexual abuse and of the risk to plaintiff's safety. At the very least, the Institutional Defendants knew or should have known that they did not have sufficient

information about whether or not their teachers and people working at St. Patrick and other Catholic institutions within the Diocese of Brooklyn were safe.

68. The Institutional Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and schools and activities within the Diocese. At the very least, the Institutional Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic schools and activities within the Diocese.

69. The Institutional Defendants knew or should have known that Institutional Defendants had numerous agents who had sexually molested children. The Institutional Defendants knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

70. However, despite this knowledge, the Institutional Defendants negligently deemed that defendant ALAN SHEEHAN was fit to work with children; and/or that any previous suitability problems defendant ALAN SHEEHAN had were fixed and cured; and/or that ALAN SHEEHAN would not sexually molest children; and/or that ALAN SHEEHAN would not injure children.

71. The Institutional Defendants' actions created a foreseeable risk of harm to plaintiff. As a vulnerable child participating in the programs and activities the Institutional Defendants offered to minors, plaintiff was a foreseeable victim. Additionally, as a vulnerable child who defendant ALAN SHEEHAN had access to through Institutional Defendants' facilities and programs, plaintiff was a foreseeable

victim.

72. That this action is exempt from the operation of CPLR Article 1601 by reason of one or more exemptions provided. It is hereby alleged pursuant to CPLR Section 1603 that the foregoing cause of action is exempt from the operation of CPLR section 1601 by reason of one or more exemptions provided in CPLR section 1602, including, but not limited to CPLR section 1602(7) and/or CPLR section 1602(11).

73. As a direct result of the foregoing, plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to plaintiff were caused solely and wholly by reason of the negligent failures of the Institutional Defendants.

74. That based upon the foregoing, plaintiff has been damaged in a sum which exceeds the jurisdictional limitations of all other courts which was otherwise have jurisdiction over this matter.

**THIRD CAUSE OF ACTION  
NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES  
AGAINST THE INSTITUTIONAL DEFENDANTS**

75. Plaintiff realleges paragraphs 1 through 74 above.

76. At all times material, Defendant ALAN SHEEHAN was employed by the Institutional Defendants.

77. ALAN SHEEHAN was under each Institutional Defendants' direct supervision, employ, and control when he committed the wrongful acts alleged herein. Defendant ALAN SHEEHAN engaged in the wrongful conduct while acting in the course and scope of his employment with the Institutional Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

78. The Institutional Defendants had a duty, arising from their employment of Defendant ALAN SHEEHAN to ensure that he did not sexually molest children.

79. Further, the Institutional Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between teachers and children.

80. The Institutional Defendants were negligent in the training, supervision, and instruction of their employees. The Institutional Defendants failed to timely and properly educate, train, supervise, and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. The Institutional Defendants were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate ALAN SHEEHAN and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent ALAN SHEEHAN'S sexual abuse of plaintiff; in failing to properly supervise ALAN SHEEHAN; in failing to establish such training procedures for employees and administrators; the Institutional Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

81. As a direct result of the foregoing, plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to plaintiff were caused by reason of the negligent failures of the Institutional Defendants in the training and/or supervising of its employees.

82. That this action is exempt from the operation of CPLR Article 1601 by reason of one or more exemptions provided. It is hereby alleged pursuant to CPLR

Section 1603 that the foregoing cause of action is exempt from the operation of CPLR section 1601 by reason of one or more exemptions provided in CPLR section 1602, including, but not limited to CPLR section 1602(7) and/or CPLR section 1602(11).

83. That based upon the foregoing, plaintiff has been damaged in a sum which exceeds the jurisdictional limitations of all other courts which was otherwise have jurisdiction over this matter.

**FOURTH CAUSE OF ACTION  
NEGLIGENT RETENTION OF EMPLOYEES  
AGAINST THE INSTITUTIONAL DEFENDANTS**

84. Plaintiff realleges paragraphs 1-83 above.

85. At all times material, ALAN SHEEHAN was employed by the Institutional Defendants and was under each Institutional Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

86. The Institutional Defendants negligently retained ALAN SHEEHAN with knowledge of ALAN SHEEHAN's propensity for the type of behavior which resulted in plaintiff's injuries in this action. The Institutional Defendants failed to investigate defendant ALAN SHEEHAN's past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of Defendant ALAN SHEEHAN's propensity for child sexual abuse. The Institutional Defendants should have made an appropriate investigation of ALAN SHEEHAN and failed to do so. An appropriate investigation would have revealed the unsuitability of ALAN SHEEHAN for continued employment and it was unreasonable for the Institutional Defendants to retain ALAN SHEEHAN in light of the information they knew or should have known.

87. The Institutional Defendants negligently retained defendant ALAN

SHEEHAN in a position where he had access to children and could foreseeably cause harm which plaintiff would not have been subjected to had the Institutional Defendants taken reasonable care.

88. Further, The Institutional Defendants were negligent in failing to timely remove ALAN SHEEHAN from working with children or terminate the employment of ALAN SHEEHAN; in failing to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

89. That this action is exempt from the operation of CPLR Article 1601 by reason of one or more exemptions provided. It is hereby alleged pursuant to CPLR Section 1603 that the foregoing cause of action is exempt from the operation of CPLR section 1601 by reason of one or more exemptions provided in CPLR section 1602, including, but not limited to CPLR section 1602(7) and/or CPLR section 1602(11).

90. As a direct result of the foregoing, plaintiff has been damaged in a sum which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action. sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to plaintiff were caused solely and wholly by reason of the negligent failures of the Institutional Defendants in the retention of its employees.

### **JURY DEMAND**

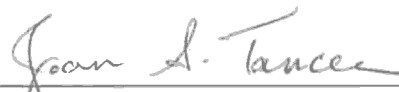
Plaintiff demands a trial by jury of all issues so triable. Pursuant to §4 of the New York Child Victims Act, plaintiff is entitled to a trial preference.

WHEREFORE, plaintiff demands judgment against the defendants in the First cause of action in a sum which exceeds the jurisdictional limitations of all lower courts



which would otherwise have jurisdiction over this action; and in the second, third and fourth causes of action in sums which exceeds jurisdictional limitations of all other courts which would otherwise have jurisdiction over this matter together with the interest, costs and disbursements of this action.

Dated: New York, New York  
October 7, 2019



JOAN S. TANCER  
Segan, Nemerov & Singer, PC  
Attorneys for plaintiff  
112 Madison Avenue  
New York, NY 10016  
(212) 696-9100

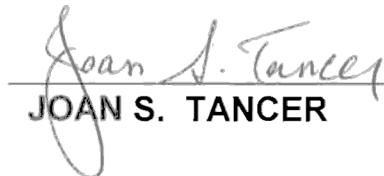
## VERIFICATION

The undersigned, an attorney admitted to practice in the Courts of New York State, affirms: affiant is an associate with the firm of SEGAN, NEMEROV & SINGER, P.C. the attorneys of records for claimants in the within action; affiant has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof; the same is true to affiant's own knowledge, except as to the matters therein stated to be alleged on information and belief, and those matters affiant believes to be true. This affirmation is made by affiant and not by plaintiff(s) as plaintiff(s) reside in a county other than the county in which deponent maintains an office.

The grounds of affiant's belief as to all matters not stated upon affiant's knowledge are as follows: information contained in affiant's file.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York  
October 7, 2019

  
JOAN S. TANCER

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**SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL**

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**SEGAN, NEMEROV & SINGER, P.C.**

**Attorneys for Plaintiff(s)**

**Office and P.O. Address**

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